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Abstract

The plan proposed in this report gives elected community boards of education the responsibility and authority to meet particular educational needs of their communities, including in the special area of low academic achievement. The proposal is in the form of a guideline and covers such areas as selection of community boards; parent participation; schools and programs under jurisdiction of community boards and superintendents; status and powers of community boards and superintendents; personnel hiring; Status and powers of City Board of Education and Superintendent of Schools; and enforcement. The target date for the transition to a Community School District System is March 1, 1970. A minority report is included. (KG)

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# Plan for Development of a Community School District System for The City of New York

January 29, 1969

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January 29, 1969

**To the Board of Regents of The University of the State of New York**
**and**
**The Mayor of The City of New York:**

In accordance with section 1(3) of the 1968 New York Laws, chapter 568 (the Marchi Law), the Board of Education of the City of New York hereby submits its plan for the development of a community school district system for The City of New York.

The Marchi Law required the Board to publish a proposed plan and hold public hearings on it. Accordingly, starting December 15, 1968, the Board published its proposed plan once a week for three consecutive weeks in three daily newspapers of general circulation in The City of New York. The proposed plan was also published once each in five other New York City newspapers including two Spanish language publications. In addition, both English and Spanish versions were printed and widely distributed.

The Board held seven public hearings on the plan as follows:

January 2, 1969—Fashion Institute of Technology, Manhattan.
January 3, 1969—Prospect Heights High School, Brooklyn.
January 6, 1969—William Cullen Bryant High School, Queens.
January 8, 1969—Staten Island Community College, Staten Island.
January 9, 1969—William Howard Taft High School, Bronx.
January 13, 1969—Board of Education, Brooklyn.

A special public hearing for Spanish speaking persons was held on January 14, 1969 at Board of Education headquarters.

Written statements from the public were invited and considered by the Board, and members of the Board conferred with representatives of many organizations including the Confederation of Local School Boards, parents organizations and unions which represent employees of the Board.

The following plan contains the Board's modifications in its proposed plan. These modifications are summarized in the Summary section.

The members of the Board and its Special Counsel are available at any time and would welcome the opportunity to answer any questions about the Board's plan, to provide information and to be of any other assistance.

Respectfully submitted,

JOHN DOAR, *President*

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# Plan for Development of a Community School District System for The City of New York

## I. SUMMARY

The Marchi Law found that to achieve "a more effective response to the present urban educational challenge requires the development of a [New York City school] system to insure a community oriented approach" based on "maximum local involvement in education."

Consistent with these findings, we have developed a plan which would in the main give elected community boards of education responsibility for meeting, and the authority to meet, the particular educational needs of their communities and children, including the special needs of areas of low educational achievement.

Elected community boards would be able to administer the schools and programs under their jurisdiction more effectively than can an appointed, part-time City Board of Education with city-wide responsibilities. Elected community boards would be able to provide their community superintendents and principals with policy direction which reflects the specific needs of the many communities of which New York City is composed. Through developing an intimate and detailed knowledge of and relationship with their schools and their teachers and supervisors, elected community boards would contribute to improving the educational achievement of New York City's public school children.

The Board of Education has developed a plan which would effect the transition to a community school district system with the least possible uncertainty and with necessary policy safeguards and fiscal controls.

Thus, this plan will not change any pupil's school. Each New York City public school pupil would attend the same school on the effective date of this plan that he previously attended.

Further, we have retained, to the extent consistent with having a community school district system, the New York City school system's existing statutory framework. When statutory change was unavoidable, as in the case of election procedures, we have generally borrowed from statutes applicable to school systems elsewhere in the State.

As a result of the Board's public hearing and public consultation process, substantial changes in the Board's proposed plan have been made.

1. Community districts would not be able to create a new demonstration project unless they first obtained the City Board of Education's approval of a formal demonstration project plan. Such approval could not be given until the City Board had consulted with the New York State Commissioner of Education, the Mayor of the City of New York and other appropriate organizations and persons, and a public hearing had been held.

2. Each community board's responsibility for compliance with Title VI of the Civil Rights Act of 1964 and related rules and regulations prohibiting discrimination on the grounds of race, color or national origin has been made explicit. This would be in addition to the City Board of Education's continuing responsibility for compliance on a city-wide basis.

3. The Board of Education has received more specific comments on the boundaries of its proposed community districts than on any other part of its proposed plan. The Board has, therefore, decided not to adopt in this plan boundaries for the 29 community districts other than the Borough of Richmond community district. The Board will continue to develop and review demographic and other relevant data. Exact community district boundaries will be determined by the Board not later than December 1, 1969, after further public hearings and community consultation.

4. An intermediate or junior high school unit with a large pupil population should have proportionally more representation on its community board than a unit with a small pupil population. Therefore, every two years, in advance of community board elections, the City Board would determine on the basis of unit pupil population the number of community board members to be elected by each unit.

5. The plan makes clear that tenured employees of the Board of Education would continue to be protected against dismissal from their positions. For example, to make it absolutely clear that tenured employees would continue to be protected by the statutory procedures which must be followed in disciplinary proceedings, the plan summarizes those procedures.

6. The plan summarizes in detail the procedures for the appointment and promotion of teaching and supervisory staff which are now required by law in city school districts in New York State whose population is less than 400,000. Under the plan these procedures would apply to each community district.

7. The plan makes clear that each community board would have the power and duty to authorize general courses of study and their content, to make curriculum adaptations to meet local needs and to conduct curriculum experimentation, all subject to the curriculum requirements of the Education Law, the New York State Commissioner of Education and the City Board of Education.

8. The role community boards would play in the capital budget, site selection and capital project construction process is described in detail.

9. The plan makes clear the City Board would ensure that state and federal law and regulations regarding programs for pupils in non-public schools are carried out.

10. The process by which the City Superintendent of Schools, under the direction of the City Board of Education, would prepare and administer the expense budget is described in detail. To help ensure that funds are spent in accordance with law for the purposes for which budgeted and appropriated, the City Board would provide community boards with technical assistance and accounting and audit services.

11. The section on enforcement has been revised to express the Board of Education's judgment that it should not be both a party to disputes with community boards and the adjudicator of them. In addition, the section now makes clear that the principal adjudicator of disputes between community boards and the City Board should be the New York State Commissioner of Education, with ultimate resort to the courts. The Commissioner of Education has broad powers to deal with educational matters. In particular, under sections 310 and 311 of the New York Education Law, he may hear and decide appeals by *any* person believing himself aggrieved by any official act or decision of any school authority and may make all orders which may, in his judgment, be necessary or proper to give effect to his decision. The Board of Education recognizes the importance of prompt action pending final decision in case of disputes in order to preserve the status quo and prevent irreparable injury. Therefore, it is respectfully requesting the Commissioner of Education to make appropriate administrative arrangements within his office for the prompt hearing and determination of requests for preliminary relief.

Although these and many other more technical changes have been made, unchanged is the basic policy underlying the plan—the creation of community school districts administered by elected boards. These districts would generally relate to each other and to the Commmissioner of Education in the same manner as do city school districts elsewhere in the State. However, New York City is one city, and the City Board of Education would have the power and duty to intervene in the affairs of the community districts when necessary to ensure that essential State or city-wide interests were protected.

## II. DISTRICTS

A. **Community District Boundaries.** The basic building block for community school districts would be the unit containing an intermediate or junior high school and its feeder elementary schools. If an elementary school sent pupils to more than one intermediate or junior high school, the elementary school would be part of the unit of the intermediate or junior high school which received the greatest number of its pupils.

The intermediate or junior high school building block was chosen for the simplest of reasons. It is the basic educational unit on which community participation and interest in the school system focuses.

The Board of Education has received more specific comments on the boundaries of its proposed community districts than on any other part of its

proposed plan. The Board has, therefore, decided not to adopt in this plan boundaries for the 29 community districts other than the Borough of Richmond community district. The Board will continue to develop and review demographic and other relevant data. The exact community district boundaries will be determined by the Board not later than December 1, 1969, after further public hearings and community consultation.

The most important criteria which would be used in establishing the community districts are:

1. taking into account the special and common educational needs of the communities and children involved, transportation facilities and existing and planned school facilities,

   a. suitable geographic size for efficient policy making and economic management based on experience in New York City and throughout New York State;

   b. convenient location for the attendance of pupils; and

   c. reasonable number of pupils; and

2. relationship to geographic units for which New York City plans and provides services.

Application of these criteria would be expected to result in grouping from three to seven intermediate or junior high school units to form 29 community districts. Each district's boundaries would be the outside boundaries of its intermediate or junior high school units' elementary school attendance zones. The Borough of Richmond would be the 30th community district. The average public school student population of these districts would be approximately 27,000.

As of the effective date of this plan, children would attend the same public schools they were attending immediately prior to that date. No provision of the plan would change existing school attendance zones.

When a new elementary, intermediate or junior high school is to be constructed, the City Board, after consultation with the affected community boards and after public hearing at the time of site selection, would determine if the new school would be attended solely by pupils attending schools within the district in which it would be located. If so, prior to opening that school the community board for that district, after public hearing, would adjust its elementary, intermediate or junior high school attendance zones accordingly. In the case of a new intermediate or junior high school, that school and its feeder elementary schools would constitute a new unit within the community district.

If the new school would be attended by some students attending schools in adjacent community districts, then prior to its opening the community boards involved, after joint public hearing, would agree upon an adjustment of attendance zones. In the absence of agreement, the City Board, after public hearing, would make the necessary adjustment.

If (1) a new elementary school sent a majority of its pupils to an intermediate or junior high school in another community district, (2) a new inter-

mediate or junior high school drew a majority of its students from adjacent community districts, or (3) an existing elementary school in another community district sent a majority of its pupils to the new intermediate or junior high school, then prior to the opening of the new school the community boards involved, after joint public hearing, would agree upon an adjustment of their district boundaries. In the absence of agreement, the City Board, after public hearing, would make the necessary adjustment.

At any time after the effective date of this plan, the City Board of Education, in consultation with the community boards, could review and, after public hearing, modify district boundaries. Boundaries would be modified in accordance with the criteria set forth above for establishing the proposed community districts. Application of those criteria could from time to time require the regrouping of intermediate or junior high school units to form a new community district.

The City Board would make a city-wide community district boundary review three years after the effective date of this plan and once every five years thereafter.

Each community board would be responsible for reviewing and modifying the attendance zones of the schools within its jurisdiction. This responsibility includes such adjustment of zones as would be required to carry out the provisions of Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color or national origin, the regulations thereunder, and any other related laws and regulations including those of the New York State Commissioner of Education.

In order to carry out those laws and regulations on a city-wide basis, the City Board of Education would have authority to establish, in consultation with the affected community boards and after public hearing, inter- or multi-district attendance zones and other procedures. With this authority the City Board of Education would be able to continue the "open enrollment" program and other programs, and to create new programs, under which elementary, intermediate and junior and senior high school pupils attended schools outside the districts of their residence.

The City Board of Education, in consultation with the affected community boards and after public hearing, could also establish inter- or multi-district attendance zones or other procedures designed to make maximum use of school facilities.

In the course of establishing community district boundaries, the City Board would promulgate rules and regulations dealing with any special issues relating to or arising out of such boundaries, such as those raised by (1) the few elementary schools which have grades 1 through 8, (2) the few elementary schools which send all or most of their pupils to an intermediate or junior high school in another community district not contiguous with the elementary school zone and (3) the few elementary schools not part of a demonstration project which send all or most of their pupils to an intermediate or junior high school in a demonstration project.

B. **Demonstration Projects.** The three existing school decentralization demonstration projects would be continued subject to a review of their status by the City Board of Education at any time after three years from the effective date of this plan. The City Board of Education's review of the demonstration projects would be designed to determine whether or not each is fulfilling its purposes.

In the meantime, the three demonstration projects would have the same powers and duties with respect to the schools and programs under their jurisdiction that community boards of education would have. References in this plan to community boards would in general include the boards of those demonstration projects. References to community superintendents would in general include unit administrators of the existing demonstration projects except that qualifications established for the latter positions would continue.

Technically, the existing demonstration projects would be schools and programs under the jurisdiction of the City Board of Education because, after its review and a public hearing, the City Board would determine (1) to continue a demonstration project as such or establish it as a community district in its own right or (2) to incorporate it into the most appropriate of the community districts after consultation with the community board of that district.

Subject to the approval of the City Board of Education, each community board could establish one demonstration project in an intermediate or junior high school unit or units within its community district.

In order to obtain the City Board's approval, the community board would, after public hearing, submit to it a demonstration project plan. That plan would have to contain (1) a comprehensive and precise statement of the goals of the demonstration project, (2) exactly how the project would achieve these goals, (3) what research and evaluation would be periodically conducted, and by whom, to determine whether or not the project was achieving its goals, and (4) when the project would end. Each demonstration project plan should include a procedure for termination of the demonstration project by the community board, after public hearing, prior to the end of the project's full term.

Before approving any demonstration project plan, with such modifications as it deemed necessary or desirable, the City Board would (1) consult with the New York State Commissioner of Education, the Mayor of The City of New York and other appropriate organizations and persons and (2) hold a public hearing at a place within or near the boundaries of the proposed demonstration project.

Community boards would delegate to new demonstration projects such of their powers and duties as the community boards deemed necessary or appropriate. As the delegor of powers and duties to its demonstration project, a community board would retain ultimate responsibility for the exercise of such powers and duties and could modify or rescind any power or duty so delegated.

## III. SELECTION OF COMMUNITY BOARDS

Each of the 30 community districts would have an elected community board of education. *At least* two members would be elected by each intermediate or

junior high school unit within the community district. The exact number of members to be elected from the units of each community district would be determined by the City Board of Education every two years at least 60 days prior to the community district elections.

At the public hearings on its December 15, 1968 proposed plan, the Board of Education received many comments about the provision for electing *only* two community board members from each unit regardless of its population relative to that of other units in the same community district. The United States Supreme Court has held that significant differences in population among districts from which officials with general power and responsibility are elected are unconstitutional. Such differences have been held to constitute invidious discrimination against the voters of districts with larger populations.

However, the Supreme Court has expressly reserved decision as to whether or not these holdings apply to special-purpose bodies which perform functions affecting some people more directly than others.

The Supreme Court has indicated that general governmental powers include setting tax rates, equalizing assessments, issuing bonds, adopting budgets and exercising discretion in choosing the subjects on which to spend public funds.

Community boards would not have any power to set tax rates, equalize assessments, issue bonds and so forth. In The City of New York the power over such matters resides in the Mayor, the Board of Estimate and the City Council, all of which are elected by the general electorate. Community boards' powers with respect to budgets and spending would be subject to the power of the City Board of Education and to the ultimate power of the Mayor, Board of Estimate, City Council and the New York State Commissioner of Education.

The basic power and duty of community boards would be to exercise powers and duties applicable to the schools and other educational affairs of their district. These functions would affect a definable group of constituents, i.e., school children and their parents, more than other constituents.

While all eligible voters have an interest in the public school system, parents have a particular interest. This is particularly true in an urban center like New York City which has a large childless and transient population.

To weight the representation of a unit on the community board in terms of total population could result in some cases in giving substantial control over a community school district to a unit or units with a large population of non-parents.

There is a rational basis for making intermediate or junior high school units —the basic geographic units of community districts for boundary purposes—the basic geographic units for election purposes. The unit through which children progress in the school system is the natural focal point for community interest and participation in the school system.

Not to do so but to draw election district boundaries geographically on an equal total population basis would mean that some elected members would repre-

sent more than one intermediate or junior high school unit. Some members would represent only part of a unit. The interests of individual members might well overlap or conflict. Other units might have a disproportionately large number of representatives in terms of pupil population or number of schools.

To elect community board members at large in community district-wide elections would not be consistent with the unit approach. It could also lead to district-wide campaigns by partisan, ethnic, religious or other special interest groups. The public policy of New York State, as reflected in the various election procedures in the Education Law and as reinforced by the specific Marchi Law provision prohibiting election of a majority of community board members at a primary or general election, is to try to separate community board elections from the politics of general elections.

In order to use intermediate or junior high school units as the basis of community board representation, to avoid the evils described in the two preceding paragraphs and yet to adhere to a rational principle which would minimize the effect of population differences, the Board of Education proposes that the pupil population of each unit be used to determine the number of community board members that unit would have.

Pupil population is, of course, an approximate index of parent population. Parents have a particular interest in the education of their children. Equally important, the interest of all residents, parents and non-parents, in the operation of the public school system of necessity focuses most directly on the schools and pupils in the vicinity of their residence. In that sense, the pupil population of each unit is also an index of the combined interests of all residents *vis-a-vis* the combined interests of the residents of the other units in that community district.

Therefore, under this plan the unit in each community district with the smallest pupil population would elect two community board members. It would follow that if another unit in the same community district has 25 percent more pupils than the smallest unit, it would elect three community board members. For each 50 percent more it would elect an additional community board member.

In 24 of the 30 community districts described in the Board's proposed plan, application of this formula would result in community boards with between eight and sixteen members. In six of the proposed community districts, however, this formula would result in community boards which in the judgment of the Board of Education would have too many members.

In finally establishing community district boundaries after public hearing, the City Board would either (1) reduce the pupil population range among community district units so that no community board would have more than 16 members or (2) exercise its authority to promulgate special election procedures, perhaps having the smallest unit elect only one member to the community board and applying the resulting member/pupil ratio to the other units in that district.

All initial members of each community board would be elected in community board elections to be held in each community district on the same day not later

than February 1, 1970. The exact date would be determined by the City Board of Education. Such elections would not coincide with the forthcoming primary or general elections or their related campaigns.

Community board members elected at this first election would take office on March 1, 1970. During the interval between election and taking of office, the new community board members would participate in training programs sponsored by the City Board.

On taking office, the newly elected members would immediately divide themselves into two classes as equal in size as possible with approximately half the representatives of each intermediate or junior high school unit in each class. By lot they would determine which class would serve approximately two years, their terms ending on May 31, 1972, and which the full four-year term ending on May 31, 1974. This procedure would also apply to members elected at subsequent community board elections to represent newly formed intermediate or junior high school units.

Subsequent community board elections, at which approximately one-half of the members of each community board would be elected for full four-year terms, would be conducted every two years beginning in 1972 on the first Tuesday in May, the same day many school board elections are held elsewhere in the State. Newly elected members would take office on June 1 in the year of their election. Adjustments in the number of members elected by each unit based on pupil population shifts would be made by the City Board at least 60 days prior to the biennial community board elections.

All community board elections would be conducted by the New York City Board of Elections.

These elections would generally be held in accordance with the applicable procedures established by article fifty-three of the New York Education Law for all city school districts with less than 125,000 inhabitants.

The provisions of section 2604 with respect to division into school election districts are among the inapplicable provisions. Since each intermediate or junior high school unit would elect community board members, those units would serve as election districts and no further subdivision would be necessary. Those units would also be considered city school districts under article fifty-three for purposes of residency requirements for voters and signers of candidates' nominating petitions.

A. **Parents Qualified to Vote.** A parent or other person who had a public school pupil permanently residing with him could cast one vote in the community board election of each intermediate or junior high school unit, including that of his residence, where any of his children or children residing with him was currently attending a school. This qualification is broadly derived from section 2012(3)(b) of article forty-one of the Education Law which generally relates to school district elections in New York State. If a parent or other person did not have a child in attendance in a school in the unit of his residence, but met the qualifications set forth in paragraph B below, he could cast one vote in the

unit in which he resided. No parent or other person could cast more than one vote in any unit.

B. **Other Voter Qualifications.** In conformity with article fifty-three, persons with the following qualifications would also be eligible to vote: (1) United States citizens; (2) those twenty-one years of age; and (3) inhabitants of the State for one year, and residents of the county for four months and of the intermediate or junior high school unit within a community school district for thirty days. There is also an English literacy requirement. But in accordance with the United States Supreme Court's construction of the Federal Voting Rights Act, any person is qualified for literacy purposes if he has completed the sixth grade anywhere in the United States, including Puerto Rico, whether or not the predominate language of his school was English.

C. **Other Procedures.** The Board of Elections would arrange for notice of the elections to be published, registration of voters, selection of inspectors of election, printing of the ballot, conduct of the elections, hearing of challenges and declaration of the result subject to judicial review. Procedures would be established for the voter registration of parents when they registered their children in school.

The City Board of Education in the first community board elections and each community board in subsequent elections would be authorized to conduct voter registration campaigns.

D. **Nominations.** Under article fifty-three, each candidate for election to the community board would be nominated by a petition signed by at least 100 persons qualified to vote in the intermediate or junior high school unit election.

Under other provisions of law, a person related by blood or marriage to a teacher employed by a community school district would be ineligible to be a candidate in that district unless the City Board, in the case of the first community board elections, or the community board approved such employment by two-thirds vote. Also under existing law, a person employed by any community district or the City Board would be ineligible to be a candidate in any community school district. As part of this plan, the Board will seek legislative modification of the latter prohibition to permit a person to be a candidate in any community district other than the one in which he is employed.

We would also require that candidates must either (1) have resided in the community district for at least one year and be resident in the unit at the time of election, in addition to being qualified voters, or (2) be parents of children or have permanently residing with them children currently attending a school in the unit.

Slates and partisan identification of candidates are not authorized by article fifty-three.

* * * *

Voters being registered for community board elections could at the same time be registered by the Board of Elections to vote in primary and general elections if they met the qualifications prescribed by the

Elections Law. In this way, the interest generated by community board elections would enable many eligible voters to become registered voters.

* * * *

E. **Vacancies.** In accordance with section 30 of the New York Public Officers Law, a vacancy would occur on a community board when a member died, resigned, was removed from office, ceased to be an inhabitant of the intermediate or junior high school unit (unless not required to be a resident when elected because qualified as a parent), was convicted of a felony or crime involving a violation of his oath of office, was adjudged insane or incompetent, was adjudged to have been improperly elected or failed to file his oath. Under section 30 a vacancy would not occur when a community board member who qualified as a parent ceased to be so qualified.

Under this plan, at least two new vacancies would occur whenever a new intermediate or junior high school was opened and a unit of elementary schools was operating around it. The exact number would be determined by the City Board on the basis of the new unit's pupil population.

The provisions of section 2553(a) of the Education Law would also be applicable to community board members. They provide that any member of a board of education who refuses or neglects to attend three successive meetings of his board, of which he is duly notified, without rendering a good and valid excuse therefor to the other members of his board, vacates his office by refusal to serve.

A vacancy would be filled until the expiration of the term or until the May 31 following the next community board election, whichever was sooner, or in the case of vacancies due to the opening of a new intermediate or junior high school until the May 31 following the next community board election, by ballot of the remaining members of the board. The candidates would be three persons nominated to fill each vacancy by a selection board of one representative of the parents' or parent-teacher association in each school in the intermediate or junior high school unit in which the vacancy occurred. The candidate receiving the highest number of votes for each vacancy would be elected.

F. **Effect of Unit or District Boundary Changes.** If an intermediate or junior high school unit's boundaries were changed by the addition or removal of a feeder elementary school or schools but the unit as modified remained wholly within the same community district, the community board members for that unit would continue to serve until their terms expired or a vacancy occurred. If changes in intermediate or junior high school unit boundaries resulted in the creation of a new intermediate or junior high school unit within the community district, the procedures set forth in the last paragraph of section III (E) would apply, and at least two additional community board members would be elected to serve until the next community district elections were held.

If the reassignment of feeder elementary schools to other intermediate or junior high schools within the same community district resulted in the elimination of an existing unit, the community board members elected from the former

unit would continue to serve until their respective terms expired or a vacancy occurred. This would ensure continued representation of the geographic area from which they were elected.

If the City Board, in exercise of its authority to adjust community district boundaries, reassigned one or more elementary schools from an existing unit in one community district, which unit continued in existence, to an existing or new unit in another community district, the members elected from the former unit would continue to serve on the community board of the former district. On the other hand, if the former unit ceased to exist, its community board members would serve, until their respective terms expired, as community board members of the community district which drew the largest number of pupils from the former unit.

If in exercise of the City Board's authority to create new districts, existing intermediate or junior high school units were regrouped to form a new community district, the community board members already elected from those units would serve on the community board of the new district until their respective terms expired or a vacancy occurred.

G. **Demonstration Project Elections.** All the foregoing election procedures would apply to the three existing and any new demonstration projects. However, because demonstration projects could contain only one or two intermediate or junior high school units, the election districts which would elect two or more members to the demonstration project board would consist of the elementary school zones.

With the approval of the City Board of Education in the case of an existing demonstration project or with the approval of the appropriate community board in the case of a new demonstration project within its boundaries, any other lawful election procedures could be adopted by a demonstration project.

## IV. PARENT PARTICIPATION

As last year's Report of the Mayor's Advisory Panel on Decentralization said:

"Voting is not the sole measure of a participatory system. A decentralized school structure should encourage and create other means of effective parent participation."

Therefore, each community board would provide in its by-laws:

1. Each of its schools must have a parents' or parent-teacher association.

2. The community board and its superintendent must maintain a close working relationship with the parents' associations of the district.

3. Each school principal must maintain a close working relationship with the parents' association of his school. Specifically, each principal would be required to meet with the parents' association of his school on a regular basis, at least once a month.

4. The appropriate parents' association must be consulted by the community superintendent before he recommends the appointment of, and by the community board before it appoints, a new principal.

While the roles of parents' associations are advisory, they must receive full factual information. Among the subjects on which parents' associations must be consulted by principals are the policies regarding:

1. formulation of school budgets;
2. recommendations of teachers for tenure;
3. the employment of personnel; and
4. the deployment of volunteers and para-professionals.

The community board and its community superintendent and principals should also provide information to and consult with other parents' organizations on appropriate matters.

## V. SCHOOLS AND PROGRAMS UNDER JURISDICTION OF COMMUNITY BOARDS AND SUPERINTENDENTS

Community boards of education would have jurisdiction over all schools and programs within their districts except:

1. senior high schools (academic, vocational and specialized) retained under City Board jurisdiction;

2. special education and services for physically handicapped, emotionally disturbed and mentally retarded children;

3. special city-wide programs, such as bilingual education programs not initiated by community boards;

4. the following community education programs, to the extent they had inter- or multi-district aspects:

(a) general adult education and fundamental adult education programs;

(b) Board of Education-Youth Board centers and Board of Education-New York City middle-income housing centers;

(c) evening adult elementary schools; and

(d) federally funded basic adult education programs.

The foregoing schools and programs would be under the jurisdiction of the City Board of Education. For these purposes, the City Board would have authority to use schools or facilities in schools under the jurisdiction of a community board. However, it would consult with the affected community board before (1) substantially expanding or reducing an existing program, (2) utilizing a community district school or facility for the first time, (3) instituting any new program

within a community district or (4) withdrawing an existing program from a community district.

The City Board would have the authority to delegate to appropriate community boards any or all of its powers and duties in connection with the operation of the schools and programs described in paragraphs 2, 3 and 4 above and could modify or rescind any power and duty so delegated.

## VI. STATUS AND POWERS OF COMMUNITY BOARDS AND SUPERINTENDENTS

Each community board of education would be a body corporate with an independent legal existence. This would include the right to sue and be sued in its own name and to enter into all appropriate contracts with the state and federal governments, private foundations, agencies and individuals, the City Board and other community boards.

This contracting authority would provide a basis for, among other things, the development of cooperative programs between or among community boards, and between or among one or more community boards and the City Board of Education. For example, such contracts could provide for provision and sharing of accounting, auditing, data collection and processing, payroll administration, purchasing, repair and maintenance, transportation and other administrative services.

Community boards could employ "house" counsel as the Board of Education now does, subject to the existing power and duty of the New York City Corporation Counsel to be the community boards' attorney and counsel and to have charge and conduct of all their law business including representation in all actions or proceedings. However, in actions or proceedings between community boards or between community boards on the one hand and the City Board or The City of New York, on the other, community boards could be represented by counsel of their own choosing.

Each community board would select a President and Vice-President at its first meeting and at its annual meeting in June of each year. It would conduct its business and affairs at public meetings held at least monthly but could also meet informally in executive session.

Under the law, no person related by blood or marriage to any community board or City Board member could be appointed as a teacher by the same community board or by the City Board, except upon the consent of two-thirds of its members. Also, no community board or City Board member could be employed in any capacity by *any* community board in the New York City school district or by the City Board. As part of this plan, the Board will seek legislative modification of this prohibition to permit a member to be employed by any board other than the one on which he serves.

Generally, community boards of education would have the same powers and duties with respect to the schools and programs under their jurisdiction as the

Board of Education now has with respect to the schools and programs under its jurisdiction. This means, among other things, that in general laws and agreements applicable to the Board of Education would continue to be applicable to community boards unless and until they expired or were modified or repealed.

Certain powers and duties of community boards deserve specific discussion.

A. **Employee Disciplinary Proceedings.** In the sensitive area of disciplinary proceedings against tenured employees, community boards would be subject to the laws and agreements regulating the bringing, hearing and determination of charges of misconduct as follows:

1. **Teaching and Supervisory Staff.** In the case of members of the teaching and supervisory staff, the provisions of section 2573(7) of the Education Law would apply. They provide, in summary, for the trial and determination of the case either by the board, by a committee of its body or by a trial examiner appointed pursuant to law. In all trials and investigations, all testimony shall be taken under oath, and for the purpose of any investigation and hearing the board, by its president, the chairman of a committee of its body, or a trial examiner, shall have the power to subpoena witnesses, papers and records. In case the person charged is acquitted, he shall be restored to his position with full pay for the period of suspension, if any. Such period shall be no more than ninety days in any case involving any teacher or other non-supervisory employee with tenure. The report of any committee or trial examiner shall be subject to final action by the board itself, each member of which must before voting review the testimony and acquaint himself with the evidence. The board may reject, confirm or modify the conclusions of the committee or the trial examiner. The vote of a majority of all members of the board would be necessary to impose a penalty or punishment.

2. **Civil Service Employees.** In the case of employees subject to the Civil Service Law, title B of article 5 would apply. It provides, in summary, that such employees shall not be removed or otherwise subject to any other discipline or penalty except for incompetency or misconduct shown after a hearing upon stated charges. The employee is entitled to a copy of the charges preferred and time to answer. A hearing is then held of which a record is made. The employee may be represented by counsel and is allowed to summon witnesses on his behalf. The burden of proof is on the person bringing charges. Appeals may be made to the New York City Civil Service Commission within twenty days after notice of determination.

B. **Personnel.** When elected community boards take office, all City Board of Education employees serving in or in connection with the schools and programs which come under the jurisdiction of community boards at that time or subsequently would be transferred to the respective community board without further examination or qualification and would retain their same civil service classification and tenure, if any. Such City Board employees would include supervisors, principals, teachers, guidance counselors, school psychologists, social workers, nurses, attendance teachers, secretaries, clerks, custodial employees and all other persons

employed in the management of the schools and programs which come under the jurisdiction of the community boards.

1. **Appointments and Promotions.** New York State has an historic commitment to appointments and promotions on the basis of merit and fitness. Section 6 of Article V of the New York State Constitution generally provides that appointments and promotions "shall be made according to merit and fitness." Section 6 further provides that merit and fitness are to be ascertained "as far as practicable" by examinations which "as far as practicable" shall be competitive.

This constitutional command is applicable to the civil service of the State and to all civil divisions of the State including the cities. It applies now to the Board of Education. It would continue to do so under this plan. It would also apply with equal force to each community school district. It could not be otherwise. Nothing in this plan or in any State statute could deviate from this constitutional mandate.

a. **Civil Service Employees.** Under this plan, civil service employees of the City Board of Education and of community boards would continue to be subject to the jurisdiction of the New York City Civil Service Commission. Section 17 of the Civil Service Law provides in general that city civil service commissions shall administer the Civil Service Law with respect to the offices and employments in the classified service of cities "including the city school districts." No change in this or any other Civil Service Law provision is proposed by this plan.

b. **Teaching and Supervisory Staff.** In New York State, responsibility for appointment and promotion of members of the teaching and supervisory staff of a city school district is lodged in the school board upon recommendation of the superintendent. Under section 35 of the Civil Service Law, teaching and supervisory staff positions are in the unclassified service of the civil service. This means that the Legislature has not in the Civil Service Law made general rules or regulations in regard to such positions.

Moreover, even casual consideration of the offices comprising the unclassified civil service leaves little doubt that the Legislature in most cases determined that it was not practicable to ascertain merit and fitness by examination. To the extent the Legislature has made general rules and regulations in regard to city school district teaching and supervisory positions such rules and regulations are in the Education Law. Section 2573(9) is the basic provision. It provides that city school boards throughout New York State may appoint and promote persons who possess the qualifications required under the Education Law and under the regulations prescribed by the New York State Commissioner of Education. Under section 2573(9) city school boards may also prescribe additional or higher qualifications and examine for them.

A school board's determination of whether or not a candidate possesses the qualifications required by section 2573(9) or by the school board acting under that provision constitutes the merit and fitness examination which the Legislature deemed to be practicable within the meaning of the constitutional requirement.

Only in the large cities of New York City and Buffalo has the Legislature determined that competitive examinations for most teaching and supervisory positions are practicable on a city-wide basis and only in New York City has it required a Board of Examiners. Education Law §§2573(10) (competitive appointments in New York City), (10-a) (competitive appointments in Buffalo) & 2569 (New York City Board of Examiners). In all other cities in the State each school board makes appointments and promotions on the basis of merit and fitness under the authority of section 2573(9). In so doing each is responsible for deciding the practicability of determining merit and fitness by examination, competitive or non-competitive.

Under this plan the Board of Education proposes that the City Board and community boards adhere fully to section 2573(9) of the Education Law and that sections 2573(10) and 2569 be repealed. Thus, as is true in most city school districts elsewhere in New York State, persons could qualify for appointment or promotion by the City Board and community boards as members of the teaching and supervisory staff if they held appropriate New York State certificates and met such additional or higher qualifications as the City Board and each community board prescribed. Oral interviews would generally be required for appointments.

A major goal of the community school district system should be the recruitment of people for the teaching and supervisory staff who are clearly qualified on the basis of merit and fitness, but whose qualifications may be based on diverse backgrounds or unusual experience like teaching as Peace Corps or VISTA Volunteers. On application of a community board, the New York State Commissioner of Education could issue New York State certificates for teachers and supervisory personnel on the basis of equivalent study and/or experience. And in exercising the power to establish new positions and licenses, community boards would be able to establish appropriate qualifications with the approval of the Commissioner.

The City Board would have an important supportive role in the area of personnel appointment. It would maintain a supplementary list of qualified teachers and supervisors from which community boards could make appointments. It would fingerprint and conduct character investigations and health examinations of all applicants and make recommendations to community boards on the basis of the results.

As indicated above, implementation of the foregoing would require legislative relief from two related statutory requirements, sections 2569 and 2573(10) of the Education Law—the former applicable only to New York City and in substance the latter applicable only to New York and Buffalo—that a Board of Examiners examine for appointment and licensure and that most teaching and supervisory staff appointments be made from among the first three persons on competitive examination lists.

Repeal of these provisions is amply supported by evidence of their impracticability under the proposed plan.

i. As we have seen, for many years the Legislature's determination that it is not necessarily practicable to examine competitively for teaching and supervisory staff appointments in cities with less than 400,000 population has been embodied in section 2573(9) of the Education Law and its predecessor sections. (This determination is made particularly clear by contrast with Education Law sections 2573(10) and (10-a).) Under this plan the average population of the 30 community districts would be well under 400,000, thus placing community districts in the class for which throughout the State competitive examination has historically been deemed impracticable by the Legislature.

ii. The first years of teaching are essentially training years for which the examination for appointment specified by section 2573(9), but not a competitive examination, is appropriate. Viewing these years as an extension of the examination process, examination for a tenured teaching appointment by a probationary teacher's principal, community superintendent and any other relevant member of his supervisory staff is superior to any traditional competitive examination.

iii. Maintaining 30 or more competitive examination systems, one in each community district, would not only require an expensive examining apparatus but would make it impossible for each community district:

> (a) to develop a district teaching and supervisory staff which reflects the diversity of qualifications and experience deemed relevant to that district; and
>
> (b) to appoint as teachers persons trained in and for appointment in the district, especially in the context of long-term recruitment, training and appointment programs with colleges and universities.

Maintenance of a city-wide competitive examination system would be inconsistent with giving community boards powers and duties regarding appointment and promotion of teaching and supervisory staff which they would have under this plan.

Notwithstanding the repeal of the Education Law sections providing for the Board of Examiners and requiring competitive examinations in New York City, a person who had been placed on an eligible list would be qualified for appointment (but not required to be appointed or to be given preference in appointment) by the City Board or any community board until that list would have expired by its own terms.

2. **Transfers of Teaching and Supervisory Staff.** Each community board and community superintendent would have the same powers with respect to the transfers of members of the teaching and supervisory staff *within the community district* as the Board of Education and the Superintendent of Schools have under section 2566(6) of the Education Law. Thus, the community superintendent could transfer teachers from one school to another within the district and would have to report such transfers immediately to the community board for its consideration and action.

A community district like a school district elsewhere in the State could recruit and employ teachers and supervisors employed by another school district, including another community district in New York City. A teacher employed by a community board could accept an appointment from another community board.

As is also the case with school districts elsewhere in the State, no one would have the power to transfer a teacher or supervisor into another district or to the City Board against the will of that community board, the City Board or the teacher or supervisor.

Teachers or supervisors who on the effective date of this plan had permanent appointments or probationary credit toward such appointments, and who were subsequently employed by a new community board, would retain such tenure or credit in their new appointments.

However, as is also the case with school districts elsewhere in the State, after the effective date of this plan, a community board could give, but would not have to give, a permanent appointment or probationary credit in employing a new teacher or supervisor *solely* because such teacher or supervisor had received such an appointment or earned such credit after the effective date of this plan in another school district, whether in or outside New York City.

C. **Curriculum.** Under section 2554(11) of the Education Law, the Board of Education has the power and duty to authorize the general courses of study to be given in the schools and to approve the content of such courses before they become operative. These powers and duties are subject to applicable law and regulations such as the requirements of sections 801 through 810 and 3204 of the Education Law and the related Regulations of the Commissioner of Education. In general, these requirements deal with (1) the inclusion of specific courses, such as instruction in physical training, instruction relating to the flag and instruction regarding the nature and effects of narcotics and habit-forming drugs, and (2) the number of courses of instruction to be completed in certain subject areas. The Board is also authorized by section 100.2(b) of those Regulations (1) to make such curriculum adaptations in every area of the curriculum as it determines to be necessary to meet local needs, and (2) to conduct such experimentation as may be approved by the Commissioner of Education.

Each community board would have these powers and duties with respect to its schools subject to the City Board's power to promulgate city-wide minimum curriculum requirements. See Section VIII(A)(2).

D. **Procurement.** Under section 2554(7) of the Education Law the Board of Education has the power and duty to purchase and furnish, among other things, such apparatus, books, furniture and other equipment and supplies as may be necessary for the proper and efficient management of its schools and programs. Under section 1709(29) of the Education Law and section 170.3 of the Regulations of the Commissioner of Education, the Board has the power and duty to establish a $100 petty cash fund for the use of each school principal from which he can pay, in advance of authorization, properly itemized bills for materials, sup-

plies or services furnished to the school under conditions calling for immediate payment.

Under this plan, each community board would in general exercise these powers and duties. The City Board would have responsibility for (1) certain bulk purchasing at the request of community boards, (2) provision of warehouse space, and (3) the development and printing of purchasing lists and forms on a city-wide or multi-district basis.

The exercise of these powers and duties by community boards would be subject to existing provisions of law, some applicable to the city school district of New York City, some to all city school districts, and some to New York City agencies which for this purpose include the City Board and community boards. Thus, each community board would have to comply, among others, with the provisions of the Education Law (1) prohibiting contracting of indebtedness in an amount in excess of money appropriated or otherwise lawfully available (§2576 (7)); (2) requiring the letting of purchase contracts to the lowest responsible bidder (a) after public advertisement for bids if they involve an expenditure of more than $5,000, or (b) without public advertisement if they involve an expenditure of not more than $5,000 (§§2556(10) & (10-a)); and (3) providing for the custody and disbursement of funds (§2580). Section 2556(10-a) of the Education Law permits purchases of $25 or less to be made without competition.

In addition to these general provisions, specific legal provisions are applicable to certain categories of procurement.

1. **Repairs and Maintenance.** Among the present powers and duties of the Board of Education is that of having the care, custody and safekeeping of school property under Education Law section 2554(4). By virtue of section 2554(1) the Board also has the power and duty (a) under Education Law section 1604(14) to keep the schoolhouses, furniture, school apparatus and appurtenances under its charge in necessary and proper repair and to make them reasonably comfortable for use and (b) under section 1604(15) to make any repairs and abate any nuisances. Finally, pursuant to section 2556(1) the Board has the power to repair, remodel, improve or enlarge school buildings.

Community boards would have these powers and duties, except the powers and duties relating to capital projects which would be exercised as described in Section VIII(B) of this plan. Within its budget allocation it could also contract for maintenance and repairs which its personnel or City Board personnel were unable to perform themselves. Minor repairs in each school could be made from the principal's $100 petty cash fund.

2. **School Lunches.** Section 2554(15) provides that the Board of Education (a) may conduct and maintain such cafeterias or restaurant service for pupils and teachers as it deems proper, and (b) shall make rules and regulations regarding the operation of such cafeterias or restaurant service and the safeguarding, accounting and audit of all moneys derived from their operation.

Under this plan each community board would have these powers and duties with respect to the school lunch facilities and programs in its district.

3. **Pupil Transportation.** The Board of Education has the power and duty under section 2554(19) of the Education Law to provide by contract for the transportation of children to and from any school or institution of learning whenever it determines such transportation to be required because of the remoteness of the school or otherwise for the best interests of the children.

The City Board would continue to be generally responsible for pupil transportation until existing contracts expire and during that period would study ways to give further responsibility to the community boards. In the meantime, community boards would be able to contract for special transportation, such as school trips.

E. **State, Federal and Other Sources of Funds.** In addition to City funds appropriated to the city school district pursuant to sections 2576(5) and (6) of the Education Law, which are discussed in section VIII(G) of this plan, the city school district receives an apportionment of State funds for its general support and for pupil transportation pursuant to article 73. The City Board would continue to receive such State funds and would allocate them, less the amount necessary to enable the City Board to carry out its responsibilities, to the community boards on the basis of a formula determined by the City Board after consultation with the community boards and the Mayor. This formula would reflect relative educational needs to the maximum extent feasible.

There is also a range of "special" funds available for educational purposes from state, federal and other sources. They include state urban education funds under section 3602(12) of the Education Law, funds under titles I, II and III of the federal Elementary and Secondary Education Act, school lunch funds from the state and federal governments and private foundation grant funds.

Special funds are of two broad types:

1. **Special Funds Apportioned to the City School District on a Formula Basis.** These funds are apportioned to the city school district on the basis, for example, of a concentration of students with special educational and economic needs in the case of state urban education funds and of a concentration of students from low-income families in the case of title I of the federal Elementary and Secondary Education Act. The City Board would in turn apportion among eligible community boards the funds apportioned to the city school district. This would be done on the basis of a formula determined by the City Board, after consultation with the community boards and the Mayor, which formula reflected the same educational and economic factors as the apportionment to the city school district. The City Board would retain a portion (a) for schools and programs under its jurisdiction and (b) for innovative community board programs. Where approval of the proposed use of funds by the funding agency is required, each community board could, within the amount of its apportionment, submit proposals to the City Board for review as to form only and prompt transmittal to the funding agency for allocation of funds.

2. **Other Special Funds.** These funds are either made available in response to specific project applications or are allocated to states on a lump sum basis.

Each community board and the City Board would in general have the right to apply directly to the funding agency as a local educational agency, subject to law and regulations applicable generally and to the particular grant. These typically include record keeping, evaluation, reporting and fiscal control requirements. The grant authorities also establish varied mechanisms for applying for and receiving funds, such as the following:

a. Under the federal Bilingual Education Act grants might be made to appropriate community boards as local educational agencies so long as the State Education Department was notified of the application and given the opportunity to offer recommendations.

b. In the case of federal financial assistance for areas affected by federal activities (20 U.S.C. §§236-244) grants might be made directly to appropriate community boards as local educational agencies, but on applications submitted through the State Education Department.

c. Under section 12 of the National Foundation on the Arts and the Humanities Act of 1965 grants for the purchase of special equipment suitable for education in the humanities and arts and for minor remodelling of laboratories could be made to the State Education Department which would establish principles for determining the priority of such projects in the State.

In implementing all specially funded projects, community boards would have the powers and duties that they have generally with respect to, among other things, personnel and procurement.

The City Board would also serve as a service organization with respect to special funds by circulating information about available funds, keeping city-wide records, aiding in the preparation of proposals upon request, in some cases reviewing proposals for form only and transmitting them promptly to the funding agency with any recommendations, auditing the projects, and providing technical assistance with respect to the administration of specially funded projects.

F. **Community Superintendents.** Each community board of education would employ by contract a community superintendent of schools. As is the case with superintendents in New York State cities with a population of less than 250,000, the community superintendent would hold his position for a term of not to exceed five years subject to the terms of his employment contract.

In accordance with section 3003 of the Education Law, each community superintendent would have to be eligible for an assistant superintendent's certificate, i.e., he would have to be (1) a graduate of an approved college or university, (2) have completed thirty semester hours in approved graduate courses, and (3) have completed five years of teaching and/or supervision in public schools. The New York State Commissioner of Education's regulations could establish additional qualifications such as the requirement to become effective on September 1 of sixty semester hours in approved graduate courses.

On application of community boards, the Commissioner of Education could accept equivalent study and/or experience.

Community superintendents would be compensated at an annual rate fixed by the community board at not to exceed an amount determined each year by the City Board as part of the expense budget process.

Generally, each community superintendent would have the same powers and duties with respect to, and subject to the direction of, his community board of education and with respect to the schools and programs under its jurisdiction as the Superintendent of Schools has with respect to the Board of Education and the schools and programs under its jurisdiction. For example, the community superintendent would be responsible within his district (1) for compliance with all required educational standards and curriculum requirements and (2) for compliance with personnel qualifications. In the latter connection, the community superintendent would certify to the City Superintendent that each teacher and supervisor appointed by the community board met required personnel qualifications.

## VII. HIGH SCHOOLS

New York City's policy goal should be to subject the academic and vocational senior high schools to a community oriented approach. However, the conversion of these high schools to comprehensive high schools will generally take a number of years to complete. To ensure that the comprehensive high school policy is implemented as rapidly and uniformly as possible throughout the entire City, most academic and vocational high schools should be retained under the jurisdiction of the City Board subject to annual review by the City Board.

As high schools are converted to comprehensive high schools, the City Board of Education would have authority to place them under community board jurisdiction. Each community board and superintendent would have the same powers and duties with respect to high schools in their district that they would over the elementary, intermediate and junior high schools under their jurisdiction. At the time particular senior high schools are returned to community board jurisdiction, the City Board would consider whether or not provision should be made for representation on the community board of the parents of students in those high schools.

In the judgment of the Board of Education, the senior high schools in the Borough of Richmond should be placed under the jurisdiction of the community board there on the effective date of this plan. At the time final community district boundaries are established, a number of other high schools may be recommended for placement under jurisdiction of their community boards.

The City Board of Education would remain responsible for the specialized high schools.

In the interim, while senior high schools are under the jurisdiction of the City Board, it would group five to eleven existing high schools in a manner to facilitate their conversion to comprehensive high schools under eventual community board jurisdiction. In so doing the City Board would also take into account planned high school construction. The Board of Education's December 15 proposed plan

described eleven high school regions which might result from the grouping of high schools. The exact boundaries for the high school regions would be determined by the Board, after further public hearings and community consultation, not later than December 1, 1969, at the same time it established community district boundaries.

The City Board would establish a high school council for each high school region on such specific terms and conditions as it deemed necessary or appropriate. Such terms and conditions would be broadly derived from the provisions for intermediate councils in article forty of the Education Law. Each high school council would be composed of one member elected by the parents of pupils in each of its high schools and one representative of each of the four community boards whose districts sent the greatest number of pupils to the council's high schools provided they each sent a minimum of ten per cent of the high schools' students. The City Board would provide for representatives of students attending the high schools in each high school region to have an advisory and consultative role on the high school council.

Each high school council could have the power (1) to select the principals for its high schools from among qualified applicants recommended by the City Superintendent, (2) to initiate and approve curriculum above minimum requirements, (3) to initiate and approve innovative programs, and (4) to review each principal's recommended budget, propose modifications to the City Board and consult with the Board about any such modifications. The council would serve in an advisory capacity to the City Board and to the high school principals with respect to all other aspects of its high schools' operations.

## VIII. STATUS AND POWERS OF CITY BOARD OF EDUCATION AND SUPERINTENDENT OF SCHOOLS

Generally, the City Board of Education, with its City Superintendent of Schools, would have the same powers and duties with respect to the schools and programs under its jurisdiction, described in Section V, that the City Board and Superintendent now have.

The City Board of Education would retain all employees serving in or in connection with the schools and programs continued under its jurisdiction without further examination or qualification and with retention of their same civil service classification and status, if any.

A. **City Board Powers.** In addition to the powers and duties described elsewhere in this plan, the City Board would have specific powers, after consultation with the community boards:

1. to retain or to transfer to the appropriate community board without further examination or qualification and with retention of their same civil service classification and status, if any, appropriate City Board of Education employees who were not by other provisions of this plan (a) transferred to a community district or (b) retained by the City Board;

2. to promulgate educational standards and minimum curriculum requirements for *all* schools and programs;

3. to promulgate minimum education and experience requirements for existing supervisory or other professional non-teaching positions for which there are no State requirements (it should be noted that there are State requirements for *existing* teaching positions and in Section VI(B)(1)(b) of the plan provision is made for community boards to create *new* teaching or supervisory positions and, subject to the approval of the New York State Commissioner of Education, to establish qualifications for them);

4. to acquire all real property and construct and modernize all buildings and appurtenances thereto as may be required for the city district or community districts, title to such property technically being vested in The City pursuant to section 521 of the New York City Charter, subject to the powers and duties of community boards as described in paragraph B below; and

5. to be the "government" or "public employer" of all persons employed by the City Board and community boards for purposes of article fourteen of the New York Civil Service Law.

B. **Capital Budget.** Community boards would participate fully in the capital budget and site selection processes through which the City Board acquires real property and constructs and modernizes school buildings.

1. After public hearing, community boards would submit proposals to the City Board for construction and modernization projects.

2. They could comment on the City Board's proposed consolidated capital budget directly to the City Planning Commission, the City Bureau of the Budget, the Mayor, the Board of Estimate and the City Council.

3. They could propose sites to the City Board and submit alternative sites to the City Site Selection Board.

4. They would work closely with the City Board in developing the program of requirements which the project is to meet.

5. They could add to the City Board's panel architects who meet the qualifications established by the City Board, which qualifications were established only after consultation with the community boards.

6. They would select the architect for capital projects within their districts from among a slate of names proposed by the City Board for that project. The architect selected would be directed by the City Board to work closely with the community board.

7. They would review preliminary architectural renderings and plans and recommend approval, rejection or modification of them by the City Board.

8. They would participate in the establishment of rules, regulations and standards governing the qualifications of bidders on capital projects exceeding $25,000.

9. They could employ or assign personnel to assist the City Board in expediting the approvals and site selection processes.

C. **Collective Negotiations.** Until existing collectively negotiated agreements expire, the City Board and each community board would continue to be bound by them. As they expire and were renegotiated, procedures would have to be established which were consistent with both the status of the City Board as the "government" or "public employer" and the community boards' need to be consulted or to participate with respect to matters affecting their interests. New collectively negotiated agreements entered into by the City Board as the "government" or "public employer" would be binding on community boards.

D. **Administrative Services.** The City Board could provide technical assistance to community boards and their employees and perform certain administrative services including accounting and auditing, data collecting and processing, payroll administration, preparation of manuals and materials, conduct of in-service training programs, purchasing, repair and maintenance, and transportation.

E. **Non-Public School Pupil Programs.** The City Board of Education would ensure that state and federal law and regulations regarding programs for pupils in attendance at non-public schools in New York City are carried out. These programs include attendance services, pupil transportation, school lunches, text books on loan, and remedial and therapeutic services.

F. **City Superintendent Powers.** The City Board would have power to appoint a City Superintendent of Schools for a period not to exceed six years, subject to removal for cause. Under the direction of the City Board and not just in accordance with its by-laws, the City Superintendent of Schools would have the following powers and duties:

1. being the chief administrative officer of the city district;

2. being responsible for compliance with all required educational standards and minimum curriculum requirements;

3. being responsible for compliance with State qualifications for all personnel (or city-wide qualifications if there are no State qualifications; see Section VIII(A)(3));

4. preparing, in accordance with the New York City Charter and any other applicable law, the budget proposal for the schools and programs under the City Board's jurisdiction; reviewing, modifying, increasing or decreasing community board budget proposals; and preparing the consolidated budget of the New York City school district;

5. allocating appropriations to the City Board and to community boards; providing for the administration and modification, in accordance with the New York City Charter and other applicable law, of these budgets; and continuing to perform the functions of the Bureau of Audit; and

6. establishing uniform procedures for pupil accounting and record keeping and reporting.

G. **Expense Budget.** The expense budget process would proceed along the following lines.

1. **Preparation.**

a. Early in each calendar year the Mayor of The City of New York would indicate, in accordance with section 112(d) of the City Charter, to the City Board of Education in what form and with what further information budget estimates for the fiscal year beginning on July 1 of the *next* calendar year should be submitted. The City Board would so advise the community boards with such additional requests as to format or information as it deemed necessary or desirable.

b. In early fall, at a time determined by the City Board, each community board would, after public hearing on the budget estimates prepared by its community superintendent, submit its budget estimates to the City Board of Education.

c. Under the direction of the City Board of Education, the City Superintendent of Schools would, in consultation with the community superintendents, recommend increases, decreases, or modifications of the community boards' budget proposals and prepare the consolidated budget of the city district for adoption by the City Board. After consultation with the community boards, public hearing and adoption by the City Board, the consolidated budget would be submitted to the City Director of the Budget, together with the original requests of the community boards. This would take place near the end of the calendar year.

d. Community boards could communicate their views with respect to the consolidated budget directly to the Budget Director, the Mayor, the Board of Estimate, and the City Council.

2. **Allocation**. The funds appropriated by the City Council and Board of Estimate for the use of the community districts would be allocated on the basis of an objective formula established by the City Board, after consultation with the community boards and the Mayor. This formula would reflect the basic educational requirements of all students and the special educational needs of a portion of them.

3. **Administration and Modification.**

a. When, not later than June 21 of the next year, the Mayor, Comptroller and City Clerk certified the budget as finally adopted, the City Board would determine the amount available to each community district based on the allocation formula and then ask each community board to submit detailed plans for the administration of the appropriated funds. The City Superintendent would, in consultation with the community superintendents, review such plans to ensure compliance with educational standards, minimum curriculum requirements and other policies required by or in accordance with applicable law and agreements and would recommend to the City Board any changes he deemed necessary or appropriate. The City Board would approve such plans taking into account the comments of each community board on the City Superintendent's recommendations.

b. Arrangements with the City Bureau of the Budget and Comptroller for budget modification would be developed by the City Superintendent under the direction of the City Board of Education and in consultation with the community

superintendents. These arrangements would look toward the time when community boards would have substantial authority, without prior approval of the City Superintendent or Budget Director, to modify their budgets in the course of a fiscal year under appropriate general rules intended chiefly to ensure consistency with (i) educational standards, minimum curriculum requirements and other policies required by or in accordance with applicable law and agreements and (ii) procedures established by the City Superintendent under the direction of the City Board of Education to prevent (a) the incurrence of liabilities or expenses in excess of the amount available therefor or otherwise not authorized by law, or (b) the use of unobligated balances of appropriations to incur liabilities or expenses which would commit funds of a subsequent fiscal year.

c. Under the direction of the City Board, the City Superintendent would provide community superintendents with technical and other accounting and auditing assistance to ensure that liabilities and expenses were properly authorized and recorded, properly incurred in accordance with approved budgets and applicable law, and properly audited.

## IX. ENFORCEMENT

The Board of Education believes that it should not be both a party to a dispute with a community board and the adjudicator of that dispute. Therefore, under this plan the public officers with general responsibility for enforcing the Education Law and related laws, and the by-laws, rules or regulations and directives thereunder, including those of the City Board, would be responsible for the issuance of any orders requiring a community board to comply with the law, by-law, rule or regulation, or directive in question. These public officers are first and foremost the New York State Commissioner of Education and, presumably after administrative remedies have been exhausted, the judges of our courts.

Pending or after a final decision, the Commissioner or a court could issue orders superseding the community board with respect to those of its functions, powers, obligations and duties necessary to achieve compliance and/or suspending or enjoining the community board or any member or employee thereof. In such event, the Commissioner or a court could order the City Board or a trustee or receiver appointed by the Commissioner or a court to carry out the functions of the community board on such terms and conditions as the Commissioner or the court determined.

As indicated at the beginning of this plan, any person aggrieved by the action of any community board or of the City Board could also seek relief from the New York State Commissioner of Education or the courts.

Resolution of disputes by the Commissioner of Education or the courts would not, of course, preclude efforts to resolve them informally which would no doubt take place.

In some cases, prompt action might be required to preserve the status quo or prevent irreparable injury pending final decision by the Commissioner of Education. The Board of Education, therefore, respectfully requests the Commissioner to

consider making administrative arrangements within his office which will ensure that designated officials would have responsibility for keeping apprised of potential disputes and promptly hearing and acting on, or advising the Commissioner with respect to, requests for preliminary relief.

## X. EFFECTIVE DATE OF PLAN AND TRANSITION

Nothing will be more critical to the success of the community school district system plan than the care with which it is implemented during the transition period. During the transition period, particular attention would be paid to the preparation of training programs for elected community board members and new community board employees.

The Superintendent of Schools has been requested to prepare as soon as possible detailed proposals for the implementation of every aspect of the Board's plan during the transition period. The legislation in implementation of this plan to be submitted by the Board contains detailed transition authorities. Such legislation will provide that the Marchi Law authorities under which local school boards and district superintendents are currently exercising delegated powers and duties will be extended beyond June 30, 1969 with certain necessary changes. In addition, there would also be special power to make provision for the adoption, modification and amendment of by-laws and rules or regulations in order to effect an orderly transition to a community school district system and otherwise carry out the objectives of the Marchi Law. This power would not, however, permit intervention in the internal operations of any community district after this transition is completed.

Transition to a community school district system, including establishment of community district boundaries and the election of community boards of education and high school councils, should be completed by March 1, 1970, when the first elected community board members take office. The transition authorities would permit matters pending on March 1, 1970 which relate to the schools and programs under the jurisdiction of community boards to be conducted by them.

## INDIVIDUAL STATEMENTS BY MEMBERS OF THE BOARD OF EDUCATION

**By Mr. Doar:**

As President of the Board of Education of the City of New York, I support and will work for our plan.

The Board of Education of the City of New York has one objective—to prepare a plan for the organization of the New York City public schools so that we can have the finest public schools in the land. If, as President Kennedy said, our responsibility is to the school children who "have the least ties to the present and the greatest stake in the future," we must put aside the past.

We must strive to create the best possible conditions within our schools where the teacher, decently motivated, can teach, and the child, from whatever circumstance, can learn.

For it is not buildings which educate our youth, it is not the administrator, the lay board member, the labor union leader, the political leader, or the educational philosopher . . . who causes sound education . . . it depends on the quality and dedication of the men and women who actually teach and the motivation and desire to learn of their students. And you can't motivate children; you can't hold good teachers, unless you organize your schools so that they are dynamic, flexible and responsive—and at the same time stable.

This Board has been *directed* by the New York State Legislature to prepare a plan for the development of a community school system within the City of New York. The reason for this is simple.

The New York City school system is an overgrown institution.

The pupil enrollment of New York City is twice the size of Los Angeles and Chicago, four times that of Philadelphia and Detroit, five times that of Miami and Baltimore, six times that of Dallas, seven times that of Cleveland and Washington, D. C., eight times that of Milwaukee, San Diego, and Memphis, nine times that of Atlanta and St. Louis, and ten times that of New Orleans, Indianapolis, and Columbus.

We employ twice the number of teachers as Los Angeles, six times the number of teachers employed by Miami, seven times the number employed by Baltimore, eight times the number employed by Washington, D. C., nine times the number employed by Cleveland.

The instructional budget of New York City is more than three times that of any other city in this country.

New York City's capital expense is more than two and a half times that of any other city.

This excessive size is the principal cause of our system's educational shortcomings. Therefore it must be converted into districts of much smaller size, and this is what the Legislature has directed us to do.

In my view, thirty districts is about the right number of districts. Thirty districts have the advantage of being the exact number of regular school districts now in existence in the City of New York.

The converted New York City school system should still be one system, not thirty separate systems. New York is one city. Within this city, we need each other. Even if it were otherwise, we could not create in any part of New York a school district which could exist independently—because it would lack the power to raise money. Interdependence does not diminish the responsibility or authority of our local community school districts. It only means that there are areas of responsibility and authority for both the individual school district and the Central Board of Education. By sharing the sum total of responsibility and authority, we operate within the reality of existing law and the present framework of the City of New York.

The elected school board will have day to day control of its schools. That is what is meant by community control. Community control is exactly the opposite of control of the community by a small group.

I favor a strong Central Superintendent of Schools with power in accordance with law, to establish rules and regulations, procedures and practices under which community school districts shall operate and with the power to discipline local districts where there is a failure by local districts to accept or meet its responsibilities.

Of course, the local district must have notice and the opportunity for a speedy hearing before a final decision is made affecting its status.

This is not an undermining of local control but rather a logical necessity for a unified city.

I would think that the Superintendent of Schools could divide his office into two divisions—one assigned to furnish the physical plant for education, the other assigned to provide educational leadership through tests, research, evaluation and by encouraging, challenging, and where necessary, disciplining local school boards to improve, improve and improve education within their district.

A major responsibility of the City Superintendent would be to accelerate the construction of schools. At the present time almost 100,000 children are attending overloaded schools. Within the next five years 62 elementary schools, 57 intermediate schools, and 27 high schools must be completed to correct this overloading.

It is fantastic that it is so difficult to build a school in New York. It seems easier to put a man on the moon than to deal with overcrowding of schools by accelerated construction in this city.

Something must be done.

Much as we might like to, we can not afford to experiment with thirty new Boards in the construction business. Not only do I favor the retention of school construction responsibilities in the Central Board, but I urge the Regents, the Legislature and all citizens to explore additional means of creating an organi-

zation with powers and procedures that will enable us to get the school construction job done. Then and only then will we have a reasonable chance of making a success of public education within the city.

I favor the continuance of an independent lay Board of Education, whether elected or appointed, rather than a three-man paid commission. That Board should be representative of the entire city. An education commission would, in my view, tend to diminish the office of Superintendent of Schools, and would have little chance of acting with decisiveness.

I am uneasy about the provision which authorizes the Central Board at the first election and the Local School Boards at subsequent elections to conduct voter registration campaigns. If this means only that accepted methods of making registration easy for the citizens of New York may be used, then there is no reason for my concern. On the other hand, if what is intended is the Central Board and subsequently the Local Boards should get into the business of organizing people so that they will get out to vote at school elections, then I am opposed to it. Many local private groups, such as parent associations, must do this work —which will be drudgery—but which, step by step, will create and develop real interest and independent political participation.

We have said that school elections should be held at a different time than elections for principal political offices. I don't agree. Participation will be much broader at a general election than at a special school election. However, we must begin at once.

This plan should go into effect prior to the opening of school next fall. I understand that my colleagues on the Board believe it is not possible to implement the plan effectively before that time. To me this is unacceptable. I do not underestimate the work and care which must go into implementation but there are compelling reasons why we should not have another school year in New York full of uncertainty and apprehension about the future of our school system.

I have attended the public hearings on our proposed plan. From what I saw and heard, I am satisfied that the citizens of New York want the chance to operate their schools. I am satisfied that they are fully able to carry that responsibility. I am satisfied that this will give us the framework to produce the best schools in the land.

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**By Mr. Galamison:**

This is to affirm that I cannot support this Board of Education Decentralization Proposal. There are a number of areas where the Board of Education might have delegated more responsibility and autonomy to the local community and has not done so. The most inexcusable shortcoming is the failure of this plan to delegate to the local community substantial fiscal and budgetary powers. A second inexcusable shortcoming is the failure of this plan to spin-off to the local community

meaningful participation in the construction process. It is my conviction that in the fiscal area the local community boards ought to at least be provided the right to exercise the same voucher system with the Office of the Comptroller that the central board now practices. In the area of construction it is my conviction that there should be no contest against delegating to the local community all rights and responsibilities short of the actual right to contract.

This proposal is seriously emasculated by the refusal of the Board of Education to delegate the foregoing powers. It is, in my opinion, far weaker than the Regents Bill which failed to pass the Legislature in 1968.

It is commonly believed that the foregoing proposal is to be further compromised. There is hardly enough strength and content in the proposal to survive further dilution. At best this proposal is designed to patch up a school system which cannot be patched up. At worst, in the process of clinging to all the liabilities of the present structure and in keeping control of the major power functions, this proposal is a betrayal of most of the changes for which the people have spoken.

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**By Mr. Haddad:**

The Decentralization Plan is a good plan. It is a conservative plan. I support it.

What many have overlooked is why we are seeking new management of the school system.

It is not only that the school system is too large, but it is also failing to meet the needs of a majority of the children of this city. The question is not "who is to blame" but "what can the school system do to correct that situation."

Decentralization brings the decision making process closer to the community. It could make the system more relevant to the specialized needs of various communities. Properly managed, decentralization could bridge the gap between yesterday's ideas and tomorrow's needs.

The school system is the only hope for the children of poverty in this city. Right now, too many of these children are falling behind their contemporaries. And without an education they will be destined to become the parents of poverty.

The parents of this city know this is true. That's why so many have desperately pleaded with us to change the system.

My special concern is that much of the criticism came from those living in poverty. But it is the middle class of this city which is also suffering from an educational system which was okay for the World War II era, but is not flexible enough to prepare our children for the tough competition of the last third of this century. Sitting quietly in a partially integrated, crowded classroom is not enough to succeed in the future. Our public schools must be able to match the quality of

many private schools. Lack of money is a poor excuse for lack of quality education. More money, of course, is needed but it must be spent properly.

There are many educational advantages which flow from middle class affluence and equal participation in society. It is this protective facade, I believe, that prevents the middle income parent from demanding that the school system be renovated and revamped. But without these pressures, the hope for meaningful change is diminished.

Decentralization is the structure, the system, to bring the parents of all the children of this city into the decision making process.

The Decentralization plan makes it clear that these policy decisions will be administered by professionals who could manage any other school system in the state.

The plan makes it clear that courses will be taught by competent, professionally trained teachers who will be protected by both the state law and union contract. Our school system will *not* be filled with unqualified teachers. Rather, the new system may permit the creative, innovative, interested teacher to use her talents without unnecessary bureaucratic restraints.

While supporting the plan, there are some variations which I raise for consideration by the Legislature and others who will be going over the same ground as the Board of Education:

(1) Political Interference.

The present system of electing members of local school boards opens the doors to specialized groups usurping control of the schools from parents. The Catholic Church and some militant blacks have already openly said they would enter the political process to gain substantial control of the school system.

The only safeguard against this take-over and the resultant polarization are the parents with children in the schools.

Therefore, recognizing the right of the taxpayer to participate in the expenditure of his tax money, I propose that one-half of those elected from each cluster be elected solely by parents with children in the relevant schools, the other half to be elected by the community at large.

(2) School Board.

I favor the abolition of the current Board of Education and its replacement by a three-man lay paid commission which will monitor the system in a business-like manner, and hire a chief executive, the superintendent, to carry out its policy decisions.

Education in this city is a billion dollar business and it needs full time people to manage its affairs.

(3) High Schools.

The failure of housing integration in this city has created an impossible task for those who would provide the city with integrated school districts. It is my

view that no matter what districting plan is adopted, certain large areas of the city will be all black, and some mostly white, at least at the elementary and intermediate school levels.

Therefore, I view the high school as the place where the racial balance can be restored.

For this reason, I propose the formation of high school districts, functioning in a decentralized fashion, with a "manager" as superintendent. The boundary lines of these high school districts will be drawn to remove the racial imbalance caused by housing patterns.

These special high school districts will come under the policy control of the new decentralized school districts within their boundaries. The decentralized districts would appoint members of their boards to serve on the board of the high school district.

In short, the decentralized district boards would select the high school boards, and the manager of the new system will have responsibilities usually associated with a superintendent of schools.

The position of High School Manager will be created for this job.

(4) Harlem School District.

I favor the formation, on a five year experimental basis, of a special Harlem School District which will report directly to the State Board of Education, bypassing the city system.

This district would be bound by state laws and operate as other school districts in the state.

It would provide the city with a clear demonstration and comparison with the decentralized system for the rest of the state.

It would introduce competition into the system and provide a measurement for accountability.

(5) Block Grants to Districts.

I favor the granting of block sums of money to each school district, with mandated stipulations on certain expenditures, but with freedom to spend the surplus in the manner they determine best for themselves.

This would not create educational problems, since the stipulations would cover such items as union contracts, state standards, city requirements, etc. But it would not earmark the remaining money. It would allow for innovation and competition.

One final word:

New York City is now a city pulled apart by conflicts which have their roots in the illnesses of the past. The vicious anti-Semitism and the ugly racism of a small minority threaten to cloud the decentralization issue. It is the tyranny of the minority which threatens the good of the majority.

Those parents living in poverty who pleaded with us on behalf of their children were not anti-Semitic or racist. Instead, a specially motivated, self-interest group, knowingly perpetuated these arguments in public for the express purpose of forcing a confrontation betwen the black and the Jewish communities of this city. They have succeeded only because of the climate of fear and frustration in which we now live.

No plan, no city, can survive in such an environment.

It is up to the leaders of this city—black and white—pro- and anti-decentralization—not to allow the tyranny of this vocal minority to dominate this scene.

This is not a time for politics. It is a time for statesmanship and leadership.

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**By Mr. Minott:**

Inasmuch as I feel that the recently Board of Education's approved decentralization proposals have some semblance of giving the community greater involvement, there are two areas of this plan on which I have serious reservations.

*Elections.*

I believe that in any election process the strongest and most democratic part of that election is in the way the nominations are held.

In the Board of Education's proposals, the nominative process is very weak. The present proposals allow for domination of proposed candidates by any strong group or groups within a community. This would result in too few parent-selected candidates running for office. Parents of children in our schools could be discouraged from running for a seat on the local community board.

I believe the only true method of election, for local community board members, is in the Proportional Representative method of election.

*Capital Budget.*

I believe that the section on the Capital budget is weak, vague and will only tend to slow down the school building program in this city.

School construction, in this city and State, is primarily controlled by State laws. Our proposals are inconsistent with these laws.

Generally speaking, our school building process is a slow one. The need in New York City is for a thorough study and overhauling of the entire school building procedure.

I also believe that the community should be involved in the school construction program as a reviewing partner at the beginning of the program, such as research and planning. However, beyond research and planning stages, i.e. on both site and construction, for the purpose of moving along speedily, I would adhere to State laws governing the procedure.

I would also suggest having a community person work in conjunction with an expediter from the Bureau of Construction for the purpose of seeing that construction moves along smoothly and efficiently.

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## MINORITY REPORT

**By Mrs. Shapiro, Mr. Barkan and Mr. Iushewitz:**

### A Moderate Approach to School Change

New York City is in a state of crisis—a crisis brought about by and focused on the issue of school decentralization. While many New Yorkers have supported a decentralization plan as the remedy for bigness and bureaucracy, they have had second thoughts in recent months as violence, dissension and race hatred have emerged from the controversy. The cure is proving to be worse than the disease.

The evils which have grown, either directly or indirectly, from arguments over the extent of a decentralization plan, can no longer be ignored. The ground has shifted and the arguments have grown more bitter now over "community control." It must be clear to all that the prolongation of these arguments, rather than leading to any kind of consensus or reconciliation, is leading straight into racism and anarchy.

The Board's plan compounds the difficulties. It presents a program of community control but does nothing to increase the involvement of parents. It will prolong the argument. As a consequence, the minority of this Board is asking for changes that will permit a respite for the schools so that the community can recover its sanity and the staff can turn to the problems of educating children. We believe this is the only alternative to chaos.

### I.

Basically the problem of the New York City public schools and, indeed, of all urban education is to bring the educational achievements of children from impoverished homes and communities up to a par with children of the American middle class. This problem is both deep and complex, tied in as it is with family security, the self-image of the child, levels of expectation of his peers, and with other factors deriving directly out of poverty—poor housing, poor health, poor diet, lack of wholesome recreation—and all of those opportunities taken for granted by the middle-income family.

*Size and Quality.*

None of these factors relates in any way to the size of a school district. As one writer recently pointed out, size by itself is a neutral quality. We can have large school systems either good or bad, and the same can be true of small systems. "The most important considerations are not size, but leadership and morale, the spirit of work and accomplishment, individual commitment and

team effort, productivity and quality control." The argument that bigness is a curse went out of style with the horse and buggy. Mediocrity, dissension and bigotry are the dangers facing the New York public schools, not size or bureaucracy.

The New York City school system has been a giant among districts since the city was consolidated at the turn of the century. During this period it has had its strengths and weaknesses. For years the city's public high schools were recognized as among the best in the country. Despite wave after wave of immigrants with their own language and culture, the schools were able to absorb and start these groups toward full membership in American society.

This is not to say that the schools have been successful in educating all minority group children as they flooded into the city. Every immigrant group had its difficulties and those from rural backgrounds always had particular problems adjusting to urban life and to the academic demands of secondary and higher education. They were able to drop out of school, however, and get jobs, and the school's failure to hold or educate them was less obvious.

Professor Robert Havighurst and other competent observers of public school education are convinced that schools today in most cities are doing a better job than they were ten or twenty years ago. This, of course, is cold comfort for parents of children whose progress in basic education, measured against some middle-class norms, is unsatisfactory. It is the frustrations of these parents and the genuine concern of others eager to see the Negro and other minority groups move quickly out of poverty that has provided the impetus for decentralization in New York City.

Seldom have questions been asked about the hazards of splintering and fragmenting our schools, or whether or not a small system is always less bureaucratic than a large one, or whether indeed the changes proposed have any relevance whatever to the learning problems of children. The Bundy Panel, which initiated most of the discussion, had little to say on the issue of how decentralized control was to result in better education. The committee report made two assumptions: smaller districts will assure greater parent and community participation in school affairs; such participation will overcome the rigidities and shortcomings of the present school system. No evidence was introduced to support either assumption, only hope.

*Involvement and Educational Improvement.*

This simplistic approach ignores a great deal of recent research that is honest enough to acknowledge that at this time we don't know much about educating the urban poor. "The sad truth is," said an article by the staff of the Center for Urban Education, "that our nation's schools are in trouble, not because some person or group in each city lacks the power to introduce insights and solutions, but because major insights and solutions are lacking. The suburban and city school systems with the best national reputation concede that their 'success' is almost wholly dependent upon the high academic aspirations of their pupils. No one knows yet how to educate the large numbers of children who come to school without educational motivations. . . ."

Desirable as it is, it is unrealistic to expect that parent participation will increase automatically by virtue of moving policy-making and control of schools from the city to district levels. Even in small districts in New York City it may be as difficult for the average parent to attend meetings or to make his voice heard as it now is on a city-wide basis. Although it should be clear that the only involvement that will be meaningful and reach any significant number of parents will be at the individual school level, almost nothing has been said in any decentralization plan about this. Instead the argument now has shifted to a demand for complete "community control" which, as the C.U.E. staff put it, raises questions as to ". . . how the parents will be able to improve education without insights into the basic mechanics of teaching and learning. In short, the Bundy Plan transfers power from one group that lacks facilities, funds and educational insight to many groups who lack the same things."

There are few areas left in New York City where there is in any sense a defined community, and where, to some degree, they still exist, as in Yorkville, Chelsea, or Harlem. The areas are relatively small and homogeneous. Making such areas into autonomous school districts is a retreat to a separate but equal concept. It will reduce or destroy one of the great advantages possessed by a city—and missing in most suburbs—the school and classroom "mix" of children from a variety of social, cultural and economic backgrounds. Incidentally, the richness of this mixture is one of the few in-school factors that measurably improves the child's rate of learning. Local autonomy in school, as in other government affairs, inevitably will lead to ward politics, to corruption and to inefficiency.

*Education and Poverty.*

For the most part, the learning difficulties of children in our urban centers can be traced directly to poverty. In a book co-authored by Sargent Shriver, then director of O.E.O., and Francis Keppel, former U.S. Commissioner of Education, this point was made unequivocally: "No matter how dedicated, industrious and compassionate the teacher, she cannot totally undo the overwhelming, negative, mind-closing oppressiveness of the out-of-school world of the impoverished child. . . . The quality of a child's home and immediate community environment will continue to be the chief moulding force in his life."

As long ago as 1955, in a study made by the Public Education Association,* it was found that the average reading and arithmetic scores went down as the percentage of children eligible (by virtue of poverty) for free lunches went up. This was true in both the schools in the more affluent neighborhoods and in the poor areas. Third grade reading scores were two and a half times better in the schools where there were no free lunches than in those where nearly ninety per cent qualified.

These findings are now supported by nation-wide studies as an article in a 1968 Teachers College publication points out: "Recent research relating to problems of race and poverty, such as the U.S. Commission on Civil Rights

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* *The Status of the Public School Education of Negro and Puerto Rican Children in New York City*—prepared by the Special Committee of the Public Education Association headed by Mrs. Rose Shapiro, October, 1955.

*Racial Isolation in the School* and the Coleman Report, *Equality of Educational Opportunity,* has documented dramatically the strong relationship observed between schools and the home and community environment of children."

Another characteristic of poverty-stricken families which has a strongly negative effect on the education of children is that of mobility. In schools in deprived areas the turnover in a class in a single school year may be well over 100 per cent. In 1967-68 more than one-fifth of New York City's pupil changed schools in the course of the two semesters. A survey of sixth grade reading test results of 2,200 pupils by the Board of Education clearly revealed the fact that as the number of schools attended by pupil groups increased in a year, their average reading scores declined. (They were 5.5 for the 700 pupils attending only one school, but only 4.7 for the nearly 400 who had gone to four or more schools in the course of the year.)

In a recent television broadcast, Mr. Earl Ubell, science editor for CBS, stated: "The scientific studies which have been done to date indicate quite strongly that the quality of the schools in any district is closely tied to the economic and educational levels in that district. . . ." He went on to point out that other factors, such as salary level, training and experience of teachers, class size and the quality of the library and the like, by comparison have only a minor impact on the educational achievement of children. The schools, he argued, are more a mirror than a manipulator of society.

It is the direct relation between poverty and performance in schools—a relationship that can no longer be disputed—that makes arguments such as that contained in an advertisement by the New York Urban Coalition, entitled "If it works in Scarsdale it can work for Ocean Hill," so utterly misleading. You take a white upper-class suburban community, said Michael Harrington, in which the overwhelming majority of the parents are college graduates and where practically everyone enjoys the benefits of affluence . . . you wall off this island of prosperity from the sea of troubles in New York City, spending several hundred dollars more on each child's education, and then compare this suburb . . . with one of the most victimized, disadvantaged black ghettos of New York, arguing that the difference in educational achievement in the two areas is a function of the structure of the school board. The ad goes on to imply that if only there is community control in Ocean Hill-Brownsville there will be rapid progress toward the 99 per cent figure of those ready for college in Scarsdale.

Those who are diverting attention from poverty as *the* major factor in the low achievement of children are doing an enormous disservice to both the children and society. To fasten on to the structure and control of the school system as the culprit in the classroom problems of poor children is to ignore both research and common sense; it poses a cheap expedient as a solution to a problem that will require instead vast sums of money and the concerted efforts of all agencies and levels of government to cure. As Professors Kelley and Usdan of Teachers College argue, "What is needed is not a piecemeal approach offering uncoordinated improvements in education, housing, health and employment opportunity, but a coordinated thrust in which all societal agencies, including the schools, act in concert to ameliorate the lives of the poor."

To the extent that schools can compensate for the degradations of urban poverty many changes will be required, mostly unrelated to decentralization. Some of them have been operating one way or another for years in the various Scarsdales of the country: classes beginning at age two or even earlier for those children of working mothers; an extended school day and school year; a class size of no more than fifteen in the early years; two or three meals for children who need them; health examinations and care; better pre-service and in-service training for teachers; a plan for working with parents in both school and home on the educational problems of their children.

The money saved by not duplicating business and other services in local school districts will make a start on these plans but, as a trustee of the Public Education Association has pointed out repeatedly over the past year, great sums will be needed in schools and in the communities as housing, health, job training and recreation agencies of the city are brought to bear on the problems of the poor.

The argument is nowhere better made than in a neglected passage (page 3) of the Bundy report:

> "Reorganization will not give New York the additional funds it needs to improve schools in all parts of the city. It will not wipe out the generations of deprivation with which hundreds of thousands of children enter the schools. It will not meet the great deficits in health and welfare services that beset many families. It will certainly not wipe out the poverty and physical squalor to which too many children return when they leave school every afternoon. It will not wipe out the shortage of qualified, imaginative, and sensitive teachers and supervisors. It will not automatically provide insights into the uncharted terrain of the basic mechanics of learning and teaching."

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The minority plan proposes a minimum of mandatory legislation in connection with the decentralization of New York City's schools. It thus avoids placing responsibility for change in the hands of legislators from all over the state, many with only a peripheral interest in or knowledge of the city's educational problems. In commenting on legislation for decentralizing the city school system, the *New York Times* in an editorial of December 1, 1967 observed:

> "In this enterprise, as in the management of public education in general, the least specific legislation will be the best legislation. . . . The need is to create conditions which, through continuing experimentation, will permit long term reforms and easy readjustments, not to mandate them by law. It would do no good for the Legislature merely to replace old rigidities with new strait jackets. Flexibility is essential."

## II.

## Recommendations

The following changes are suggested for greater flexibility in the New York City public schools:

1. Repeal the Marchi Law of 1968 but amend Section 2564 of the Education Law, establishing local school boards in New York City by striking the words "which shall be advisory only" from Subdivision 3, line 2. This change will permit transfer of operational responsibilities to local school boards to any degree deemed wise and as rapidly as such local boards prove capable of accepting them.

2. Retain power in the Board of Education to vary the number of districts and district lines as conditions within the city change and as evidence is submitted or research indicates that smaller or larger communities will make possible better planning and closer cooperation with such city agencies as Health, Housing and Welfare.

3. Continue the Board of Examiners as the agency to administer the procedures required to determine merit and fitness for teaching and supervisory positions in the New York City schools. The Board of Examiners has recently been completely reorganized and the changes which were made had been long urged by education and citizen groups throughout the city.

4. Discontinue the three Demonstration Project Districts as of June 30, 1969. These Districts are too small to serve as prototypes for restructuring the school system. The experience of one and a half years of operation conclusively shows that they are divisive, destructive of morale and lacking in experimental insights and wide support from their communities.

5. Authorize the local school board to select the district superintendent from a list of qualified candidates *provided by the Superintendent of Schools* or from among other individuals meeting state and city standards and *approved by the Superintendent*. The district superintendent will be hired on a contract basis and will be responsible to the local school board for all educational and administrative matters that have been delegated to the district.

6. Place the appointment of principals and other supervisory personnel in the hands of the district superintendent, such appointments to be made with the advice and consent of the local school boards in consultation with the parent associations. Appointments will ordinarily be made from a list of persons found qualified by the Board of Examiners and serving in the internship program conducted by the Division of School Personnel. Similarly, qualified persons from outside the school system will also be eligible for consideration. A principal can be removed for cause by the district superintendent and the local school board with the approval of the Superintendent of Schools.

7. Allocate to a pool in each school district the number of certified teachers to which the district is entitled, permitting district officials to make the assignments. Any district may also recruit personnel for its own needs, providing they meet city-wide standards established by the Board of Examiners.

8. Delegate to local school boards and/or district superintendents such responsibilities as: adapting city and state curriculums to district needs; developing new programs, particularly for after-school and adult education; assignment of staff within the district; establishing school zoning lines within the district; minor maintenance and improvements of buildings and facilities; developing an operating budget for the district and the expenditure of certain free funds; the right to seek, with central board approval, foundation money for specific purposes and to contract with colleges for research and other help in developing plans for school change and improvement.

9. Provide for a third level of parent participation in policy and decision-making by setting up in each school an agency that might be described as a School

Policy Committee. This will be a formal committee consisting perhaps of four parents and three teachers, or some other suitable number, elected or appointed by the parent association, and by the teachers, and functioning within the framework of district policy of the local school board and the city-wide policy of the Board of Education. The principal will be the executive officer of the committee.

10. Make available to parents in each elementary and intermediate school, daytime and evening programs relating to the classroom work of their children. In the first month or so of school, parents would be familiarized with what is expected of the child at his particular grade level. Following this curriculum orientation, classes would continue on such topics as consumer education, homemaking subjects and family health. *Payment would be arranged on an hourly basis to parents for attending these classes, with a bonus for satisfactory completion of any unit of work.*

11. Provide for an evaluation of the structure and performance of the public school system by an appropriate outside agency at the end of each school year.

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